

April 4, 2013

Products Division
Environment Canada
Place Vincent Massey, 9th Floor
351 St-Joseph Boulevard
Gatineau, Québec
K1A 0H3

Via email: VOInfo@ec.gc.ca

Dear Sir/Madam,

RE: Consultation on Revisions to the *Proposed Volatile Organic Compounds (VOC) Concentration Limits for Certain Products Regulation*

In response to Environment Canada's consultation on the proposed regulation concerning VOCs in certain products we offer the following comments.

The Canadian Environmental Law Association is a public interest organization founded in 1970 for the purposes of using and improving laws to protect public health and the environment. Funded as a legal aid clinic specializing in environmental law, CELA represents individuals and groups in the courts and before administrative tribunals on a wide variety of environmental matters. In addition, CELA staff members are involved in various initiatives related to law reform, public education, and community organization.

CELA has a long history of work addressing the regulation of toxic substances. For example, we have conducted extensive research, summarized the scientific literature, and created a wide range of public outreach materials, about associations between toxic substances and impacts on fetal development and child health. We have also recently completed a comprehensive scoping review of the literature concerning early environmental exposures and associations with several chronic diseases.¹

In addition, our work within the Canadian Partnership for Children's Health and Environment (CPCHE) has long called for action on VOCs because of concerns about respiratory and many other health effects. CPCHE is a national partnership of organizations that, since 2001, have been working together across traditional boundaries to advance the protection of children's health from the risks posed by toxic chemicals and pollutants. During 2007, CPCHE convened a

¹ Cooper K, Marshall L, Vanderlinden L, and Ursitti F (2011) *Early Exposures to Hazardous Chemicals/Pollution and Associations with Chronic Disease: A Scoping Review*. A report from the Canadian Environmental Law Association, the Ontario College of Family Physicians and the Environmental Health Institute of Canada.

<http://www.cela.ca/publications/EE-and-CD-Scoping-Review>

national policy consultation that provided a six-city, multi-stakeholder forum to exchange information on the scope and nature of known and suspected threats to fetal and child health and development. Using the results of this consultation, in 2008 CPCHE published a vision and strategy statement, *First Steps in Lifelong Health*² that included a diverse set of recommendations. Therein, the document included a list of top priority areas requiring immediate regulatory action. On the basis of knowledge about exposure and health risks, action on VOCs was included in this priority list. CPCHE called for significant reductions in exposures to hazardous volatile organic compounds from consumer products by requiring manufacturers to avoid their use or substitute with safer alternatives.

Five years have passed since making this recommendation. Likewise, five years have passed since the federal government initially published proposed regulations to address VOCs in certain products.³ According to the current consultation document, “Revisions to the Proposed Volatile Organic Compound (VOC) Concentration Limits for Certain Products Regulations (Environment Canada, January, 2013) final regulations are not anticipated for another two years, in the summer of 2015, and only if current scheduling occurs as planned.

In making brief comments on the current regulatory proposal we have two related comments. First, we want to emphasize the urgent need for action given the breadth and depth of the scientific evidence of harm from both indoor and outdoor air pollutants. The consultation document appears to cite only two studies about the human health effects of air pollution that were published eight years ago and focused only on outdoor air pollutants. While these are both important studies, we note that there is a vast literature on the known and suspected human health effects of both indoor and outdoor air pollutants, with children often at elevated risk of health effects with lifelong consequences.

On their own, and as components of ground level ozone (one of the Criteria Air Contaminants or CACs), VOCs are implicated in multiple health effects. The consultation document mentions premature death, increased hospital admissions and emergency room visits, as well as lung cancer and heart disease. Added to this list should be the risk of asthma, both as a trigger and onset of the disease. VOCs are not only involved in the creation of ozone but they also adhere to ultrafine particulates (additional CACs) which contribute to the lung cancer and heart disease risks as noted. However, VOCs are implicated in additional health concerns where Criteria Air Contaminants are known or suspected risk factors. Such health concerns include low birth weight and hypertension both of which are in turn risk factors for latent (in the case of low birth weight) metabolic syndrome, type 2 diabetes, cardiovascular disease, and potentially Alzheimer’s disease as well. We summarized much of this literature in the Scoping Review reference above. Finally, as is often the case with environmental contamination, those living in low income circumstances are likely more highly exposed and at greater risk of VOC exposure, particularly children. All of

² Canadian Partnership for Children’s Health and Environment, 2008. *First Steps in Lifelong Health: A Vision and Strategy for Children’s Health and Environment in Canada*.

http://www.healthyenvironmentforkids.ca/sites/healthyenvironmentforkids.ca/files/cpcche-resources/CPCHE_VandS.pdf

³ *Canada Gazette, Part I*, April 26, 2008. Proposed Regulation: Volatile Organic Compound (VOC) Concentration Limits for Certain Products Regulations. <http://www.ec.gc.ca/lcpe-cepa/eng/regulations/detailReg.cfm?intReg=119>

which is to underscore the importance of acting fast in an area where expanded regulation is overdue.

Second, given the urgency of this situation, the multiple health effects of concern, the long delay that has already occurred, and another anticipated two years before these proposed regulations are to be implemented no further delay or weaker regulation should be considered. It has been clear to all of the affected industry players for more than five years that the sector needed to be, and would be, more comprehensively regulated. We therefore wish to state our overall support for the proposed regulations and related revisions according to the California-based approach, and urge their swift implementation, within the stated timeframe and preferably sooner; certainly with no further delay.

All of which is respectfully submitted.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in black ink, appearing to read "Kathleen Cooper". The signature is fluid and cursive, with a large loop at the end.

Kathleen Cooper
Senior Researcher